



DEPARTMENT OF THE NAVY
SECRETARY OF THE NAVY COUNCIL OF REVIEW BOARDS
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WASHINGTON NAVY YARD DC 20374-5023

IN REPLY REFER TO
5815
NC&B
28 Feb 18

From: President, Naval Clemency and Parole Board (NC&PB)

Subj: REQUIRED INFORMATION FOR PROBATION OFFICERS SUPERVISING NAVAL MEMBERS

Encl: (1) NC&PB Information Sheet
(2) Frequently Asked Questions
(3) Annual Clemency/Progress Update Submission Requirements
(4) NC&PB Parolee Clemency Request Form (rev Jun 14)
(5) NC&PB Supervision Report Form (rev Mar 13)

1. Naval members (Navy, Marine Corps and Coast Guard) who have been convicted within the military criminal justice system and are subsequently confined are routinely released from military and federal prison systems through parole and mandatory supervised release (MSR). The agreement between the Department of Defense (DOD) and the Office of Probation and Pretrial Services of the Administrative Office of the United States Courts outlines the basic responsibilities of the Office of Probation pertaining to release of prisoners from military correctional facilities.

2. The information contained in enclosures (1) through (5) are necessary to assist in our requirement to monitor supervision. Military members are rare to most probation officers and for many, this may be a first.

3. Parole and MSR programs are virtually the same supervised programs that require annual updates, rights at violation hearings/investigations and stipulations and conditions. Prisoners on supervision serve until their adjusted maximum release date (AMXRD).

4. The NC&PB is required to review each case annually for clemency and parole progress until a supervisee reaches their AMXRD.

5. There may be a significant difference between managing military supervisees and your "normal clientele." With military offenders, the judicial process began when they were convicted at court-martial and ends when the appellate review is complete. The NC&PB is responsible for making all decisions on its cases including imposing conditions of supervision, issuing letters of warning or reprimand, suspending supervision, conducting revocation hearings, and yearly clemency and parole progress reviews.

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6. All violations of supervision must be immediately reported to the NC&PB, via the releasing correctional facility, for case determination. We encourage and desire USPOs to notify us as soon as possible after the alleged violation has occurred. After notification the NC&PB will promptly act.

7. Please review all of the enclosures of this information package for processing requirements. It is of the utmost importance that we establish effective communication between our offices.

8. If you have any questions concerning naval offenders under your supervision, please do not hesitate to call me at (202) 685-6338 or contact me by e-mail NCPBmailbox@navy.mil.



R. W. LAPOINTE

NC&PB Information Sheet

The Naval Clemency and Parole Board (NC&PB) is an administrative arm of the Secretary of the Navy (SECNAV). As such, the NC&PB assists the SECNAV in the exercise of discretionary and extralegal authority to reduce sentences awarded to members of the naval service as a result of a court-martial. This authority comes from the Uniform Code of Military Justice, Public Law, and military directives. By virtue of this authority, the Secretary, as deemed appropriate, is empowered, with respect to members of the United States Navy and Marine Corps, to decrease periods of confinement once released to supervision.

The NC&PB is at the administrative apex of the clemency and parole system within the Department of the Navy. The mission of this departmental clemency and parole system is to provide a vehicle for the orderly review of court-martial sentences. Embracing numerous confinement facilities in the continental United States and overseas, the Department of the Navy clemency and parole system is independent of the appellate review process set forth in the Uniform Code of Military Justice.

With certain exceptions, the Secretary of the Navy has delegated to the NC&PB the authority to take those actions with clemency and parole matters authorized by law or regulation.

In the matter of innocence or guilt with respect to offenses involved in a court-martial, the Secretary of the Navy requires the NC&PB to accept as final court-martial findings of guilty or not guilty, this is in addition to any related decisions of the Navy-Marine Corps Court of Criminal Appeal (NMCCA) and the Court of Appeals for the Armed Forces (CAAF).

The Secretary of the Navy has defined the objectives of review for clemency and parole. These objectives are the preservation of order and discipline, equality in the administration of justice, and the protection of the interest of the U.S. Naval Service, the individual, and society.

The NC&PB bases its decisions, on the nature and circumstances of the offenses, military and civilian background of the individual, comments and recommendations of the principal officials responsible for the court-martial proceedings involved, psychiatric evaluations, and various post-trial considerations such as attitude, conduct and performance, adjustment to confinement, social factors, and the participation and completion of required offense related treatment.

Members avoid all conflicts of interest by recusing themselves from pending clemency and parole matters in which they were either indirectly or directly involved in a personal or professional

NC&PB Information Sheet

capacity. If in doubt as to whether the appearance or reality of an ethical conflict of interest exists in a specific case, the member must seek an advisory opinion from Director, Secretary of the Navy Council of Review Boards, and Legal Counsel.

The Secretary of the Navy directed the NC&PB to exercise its best judgment and discretion to apply and relate the Parole Commission guidelines utilizing salient factor scores as frames of reference in arriving at parole decisions which will preserve the unique need of the naval service for good order and discipline and, at the same time, help to ensure that those Naval offenders released on parole will become neither a threat nor a burden to the civilian community into which they are released. The objective of the SECNAV's policy is to promote greater uniformity and equality in parole determinations, determinations which will neither depreciate the seriousness of the offenses committed nor promote disrespect for the law.

The NC&PB is composed of five members, four career military officers and one civilian, who is the appointed President of the Board. All are selected on the basis of wide military experience, proven performance, and education. Military membership includes two line officers, a psychiatrist or clinical psychologist, and a military lawyer.

Actively sought for membership on the NC&PB are seasoned officers whose personal and professional qualifications and background make them capable of mature and independent judgment first on the adverse impact military and criminal misconduct has on the maintenance of good order and discipline, and second as to where the best interest of the naval service, society, and the individual lie when the Board is faced with a decision whether or not to release a Naval offender into the civilian community on parole prior to the completion of his sentence to confinement.

With a view towards ensuring that naval prisoners are afforded equal opportunities for clemency and parole, conscious efforts are made to appoint members who are available to meet one day every month over the full periods of their assignment to military duty in the Washington, DC area.

Given this and specific policy guidance from the Secretary of the Navy, the Board analyzes each case based on its perception of the practical effect particular offenses have had on the maintenance of good order and discipline in the highly dangerous environment within which the operational forces of the naval service often must function.

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Proceeding on the basis that each member of the naval service is accountable for his conduct, each case is examined to determine if the punishment awarded and individual in his court-martial sentence is appropriate for his offenses, this in light of the number of cases the NC&PB review each year.

Also considered is whether or not the punishment awarded is consistent with punishment awarded to other members of the naval service similarly situated for offenses committed under substantially similar circumstances.

Having reviewed each case along these guidelines, the Board then determines whether or not there are any compelling reasons to reduce the punishment awarded in a given sentences and to grant or not to grant some form of clemency.

The NC&PB projects the positive message the Secretary of the Navy wants the Board to send to all members of the Navy and Marine Corps; e.g., that the maintenance of good order and discipline is central to the successful accomplishment of the critical defense missions assigned to the Navy and Marine Corps in the protection of the United States and the citizens who make up its society.

NAVAL CLEMENCY AND PAROLE BOARD

FREQUENTLY ASKED QUESTIONS

Q: What instructions govern the NC&PB?

A: *The principal instructions that govern NC&PB are Department of Defense (DOD) Instruction 1325.4 and Secretary of the Navy (SECNAV) Instruction 5815.3j.*

Q: What cases does the NC&PB have jurisdiction over?

A: *NC&PB has jurisdiction over all cases where the offender was subject to the authority of SECNAV at the time of the offense and who were convicted by a court-martial. NC&PB cases include Navy, Marine Corps and Coast Guard officer and enlisted members.*

Q: Are there any Navy, Marine Corps or Coast Guard offenders that the NC&PB does not have parole authority over?

A: *The Federal Parole Commission exercises authority over parole decisions for military prisoners confined within the Federal Bureau of Prisons (FBOP). Upon release to parole/MSR the NC&PB retains only clemency authority.*

Q: Does NC&PB make the final decision in all clemency cases?

A: *NC&PB does not make the final decisions in all clemency cases. In several instances, SECNAV retains decision authority: When the case is one in which the Secretary has stated a special interest and when it involves an officer or midshipman or issues of national security, SECNAV will make the final decision to deny or grant clemency or parole. Additionally, when the offender is an enlisted member, the NC&PB recommends clemency or parole and:*

- ▶ *Any single offense warrants a maximum (not awarded) punishment of more than 10 years, or*
- ▶ *Any victim that was 16 years or younger or the offender's spouse, or*
- ▶ *Grant or denial of clemency could be the subject of significant Congressional or media interest, or*
- ▶ *The cases are referred to SECNAV by the Director, Secretary of the Navy Council of Review Boards (CORB), or any members of the NC&PB.*

The Secretary of the Navy will make the final determination for clemency.

Q: How does the parolee find out the results of the Board?

A: *Board decisions are mailed/e-mailed to the supervising U.S. Probation Officer who then advises the member of the decision.*

Q: How often does the Board convene?

A: *The Board convenes once a month, however a board can be canceled based on governmental operation status on the day of the board.*

NAVAL CLEMENCY AND PAROLE BOARD

FREQUENTLY ASKED QUESTIONS

Q: When is a member eligible for clemency review once released to parole or MSR?

A: *A member is eligible for clemency review one year from the date of release to parole or MSR.*

Q: Are military sex offenders subject to the same rules (registration/verification} as civilian offenders?

A: *Yes. The sex offenders must register by established state and/or federal law.*

Q: Who does a Probation Officer have contact if a parolee violates his terms of release or if changes have to be made to the stipulations of release?

A: *You must **contact** the NC&PB immediately for guidance regarding a violation or any other issue by phone (202) 685-6338/(202) 685-6632 or by email NCPBmailbox@navy.mil.*

ANNUAL CLEMENCY/PROGRESS UPDATE SUBMISSION REQUIREMENTS

The Secretary of the Navy is empowered by public law to establish administrative systems of clemency for naval service supervisees. The Naval Clemency and Parole Board (NC&PB) administers these systems by reviewing all parole cases, to begin within 30 days of the 1-year anniversary of the parole release date until the expiration date of their sentence.

Requirements. For the supervisee to have their annual clemency review conducted enclosures (4) and (5) will be submitted to the NC&PB by the supervising probation officer annually on the date of release from confinement.

Submission. Corresponding reports can be submitted by mail, fax or email.

Mail: SECRETARY OF THE NAVY COUNCIL OF REVIEW BOARDS
Naval Clemency & Parole Board
720 Kennon St SE, RM 309
Washington Navy Yard
Washington, D.C. 20374-5023

Fax (202)685-6629.

E-mail NCPBmailbox@navy.mil

Any questions pertaining to the Department of the Navy parole system can be directed to administrative section at (202)685-6338. Internet inquiries soliciting general information about NC&PB should be directed to the following website:

<http://www.secnav.navy.mil/mra/CORB/pages/ncpb/default.aspx>

NC&PB SUPERVISEE CLEMENCY REQUEST STATEMENT

1.Parolee (Last, First, MI.)		2.Reg Number (if applicable)		3.Date	
4. Current Residence Address		5a. Height		5b. Weight	
				6. Current Phone Number	

SECTION 1 - CLEMENCY WAIVER

7. ☐ I hereby waive my right to be considered for clemency.

a. I understand my case will not be reviewed administratively for remission, mitigation, or suspension of the unexecuted parts of my sentence. I further understand that I will not receive consideration for annual clemency until one year after my current clemency board date.

b. I also acknowledge that if my sentence includes an unsuspended punitive discharge or dismissal:

- (1) I may be ineligible for many or all benefits as a veteran under both Federal and state laws.
- (2) I may expect to encounter substantial prejudice in civilian life.
- (3) This waiver will remain part of my permanent military service record.
- (4) I may not reenlist without special permission (enlisted members only).

SECTION 2 - CLEMENCY REQUEST

8. I hereby request to be considered for clemency in the following form(s):

- ☐ Reduction in length of sentence.
- ☐ Reduction or remission of fine.

9. My reasons for requesting clemency are as follows:

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10. If currently not discharged (have not received your DD-214) you may also be eligible to request clemency in the following form(s):

- ☐ Substitution of administrative discharge for punitive discharge.
 - ☐ Remission of dismissal (officers and cadets only).
 - ☐ Mitigation of a DD to a BCD.
 - ☐ Restoration to pay grade
 - ☐ Restoration of precedence (officers only).

11. My reasons for requesting clemency are as follows:

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12. Parolee Signature	13. Parole Officer Signature
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13. Parole Officer Signature

Submit all questions, forms or requests to:
e-mail: **NCPBMAILBOX@NAVY.MIL** fax: **202-685-6629** tel: **202-685-6338**

fax: **202-685-6629** tel: **202-685-6338**

tel: 202-685-6338



NAVAL CLEMENCY AND PAROLE BOARD

SUPERVISION REPORT

202-685-6338/ncpbmailbox@navy.mil



NAME (Last, First, Mi): _____ REG No. _____ ☐ USMC ☐ USN ☐ USCG

Date of Release on Parole/MSR: _____ Sentence Expiration Date: _____

Original Offense(s)

Period Covered by This Report - FROM: _____ TO: _____

Total Months in Community Since Date of Last Release: _____ Months in Community Since Last Difficulty: _____

☐ **FINE \$**

Payment Schedule Met?

Total Amount Owed: - \$

Total Paid To Date: - \$

☐ Yes ☐ No

Comments

☐ **COMMUNITY SERVICE**

Total Community Service Hours Assigned:

Total Community Service Hours Completed:

Comments

RECOMMENDATION:

☐ CONTINUE SUPERVISION

☐ TERMINATE

Evaluation and Reasons For Recommendation:

Arrests Since Date of Last Release: (Give date of arrest, offense, and date arrest was reported to the Commission by letter. Give dispositions where possible.)

Present Level of Supervision:

☐ High Activity

☐ Low Activity

Response to Supervision During This Period: (Briefly note response to supervision covering living situation, nature and stability of current employment, drug or alcohol program attendance or problems, or other factors of strong or weak adjustment. Note any problem areas.)

Additional Comments: (Please use this area for any additional comments or as overflow from a stipulation above.)

U.S. Probation Officer: _____

E-mail Address:

Mailing Address: _____

Office Number: _____

Date Report Completed: _____

Signature: _____